

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Maurice Harris,

Civ. No. 11-3497 (DSD/JJK)

Plaintiff,

v.

Laurie Hammon, in her individual and
official capacity; Debbie Cole, in her
individual and official capacity; Tom Roy,
Minnesota Commissioner of Corrections, in
his official capacity; and Ramsey County;

ORDER

Defendants.

Bradford W. Colbert, Esq., Legal Assistance to Minnesota Prisoners; and Zorislav R. Leyderman, Esq., The Law Office of Zorislav R. Leyderman, counsel for Plaintiff.

Scott A. Grosskreutz, Esq., Minnesota Attorney General's Office, counsel for Defendants Hammon, Cole and Roy.

C. David Dietz, Esq., Ramsey County Attorney's Office, counsel for Defendant Ramsey County.

The above matter comes before the court upon the Report and Recommendation of United States Magistrate Judge Jeffrey J. Keyes dated December 4, 2012. No objections have been filed to that Report and Recommendation in the time period permitted. Based on the Report and Recommendation of the Magistrate Judge, on all of the files, records, and proceedings herein, the court now makes and enters the following order.

IT IS HEREBY ORDERED that:

1. Defendant Ramsey County's Motion for Summary Judgment (Doc. No. 19), is **GRANTED** as follows:
 - a. Plaintiff's federal-law claim (Count III of Complaint) against Ramsey County is dismissed with prejudice;
 - b. Supplemental jurisdiction should not be exercised over plaintiff's state-law claims against Ramsey County and those claims are dismissed without prejudice; and
 - c. Ramsey County is dismissed as a party in this case.
2. Defendants Roy, Hammon, and Cole's Motion for Judgment on the Pleadings (Doc. No. 13), are **GRANTED IN PART** and **DENIED IN PART** as follows:
 - a. Plaintiff's federal-law claim (Count IV of the Complaint) under 42 U.S.C. § 1983 against Tom Roy is dismissed with prejudice;
 - b. Supplemental jurisdiction should not be exercised over plaintiff's state-law claims against Tom Roy and those claims are dismissed without prejudice;
 - c. Plaintiff's federal-law claims under 42 U.S.C. § 1983 against defendants Laurie Hammon and Debbie Cole in their official capacity are dismissed with prejudice;

d. Plaintiff's federal-law claim under 42 U.S.C. § 1983 for violation of the Eighth Amendment against defendants Laurie Hammon and Debbie Cole in their individual capacity is dismissed with prejudice; and

e. Plaintiff's federal-law claim under 42 U.S.C. § 1983 for violation of the Fourteenth Amendment against defendants Laurie Hammon and Debbie Cole in their individual capacity is not dismissed, and the court will exercise supplemental jurisdiction over plaintiff's state-law claims against defendants Hammon and Cole.

Dated: December 19, 2012

s/David S. Doty
David S. Doty, Judge
United States District Court